

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION**

GERALD MOTLEY and  
MIRRIAM MOTLEY on behalf of  
their minor son, CALEB MOTLEY,

Plaintiffs,

v.

WINNERS DEVELOPMENT, LLC,

Defendant.

Civil Action No.: 4:16-CV-69-HLM

JURY DEMAND

**ORDER APPROVING MINOR SETTLEMENT**

The above cause came on to be heard August 9, 2017 upon the Petition to Approve Minor Settlement. Plaintiffs Gerald and Mirriam Motley, parents and legal guardians of minor Caleb Motley, appeared with their counsel, and Defendant appeared by and through counsel. Upon hearing on the Petition, the Court finds:

1. Minor Caleb Motley was born thirteen (13) years ago on January 30, 2004, and has Social Security No. XXX-XX-0639. Plaintiffs Gerald Motley and Mirriam Motley are the parents and legal guardians of Caleb Motley.

2. On May 16, 2014, Caleb Motley was injured in a go-kart accident while driving a go-kart at Winners Circle, a go-kart facility owned and operated by Defendant Winners Development, LLC located at 59 Kellerhals Lane, Fort Oglethorpe, GA 30742. As a result of the accident, Caleb had to undergo surgery

to repair a duodenal perforation and to relieve pressure from multiple hematomas. As a result of this occurrence, his parents incurred medical expenses of \$136,961.04.

3. Minor Caleb Motley has been released by his treating physicians, and it is not anticipated that his parents will incur any additional medical bills for treatment of his injuries.

4. At the time of the accident, Defendant Winners Development, LLC was insured under a general liability insurance policy issued by Cincinnati Insurance Company providing \$1,000,000 in liability coverage per person, per accident. Cincinnati Insurance Company has agreed to pay \$215,000.00 on behalf of Winners Development, LLC for damages arising from Caleb Motley's injuries.

5. Subject to the approval of this Court, the parties have agreed upon the settlement of the claims of plaintiffs for a total of TWO HUNDRED FIFTEEN THOUSAND DOLLARS AND 00/100 (\$215,000.00) whereby:

a. Plaintiffs' counsel shall be entitled to \$71,666.67, representing reasonable attorneys' fees, and \$15,383.30 for expenses;

b. \$63,145.09 will be paid to BlueCross BlueShield for reimbursement of medical payments made on behalf of Caleb Motley. Plaintiffs are aware of no other subrogation interests arising from Caleb's medical treatment;

c. \$5,063.00 will be paid to Gerald and Mirriam Motley for reimbursement of out-of-pocket medical expenses they incurred on behalf of Caleb Motley; and

d. \$59,741.94 shall be paid toward an annuity for the benefit of Caleb Motley which shall pay Caleb M. Motley \$5,000 upon reaching the age of 18, \$500 per month upon reaching the age of 25 and continuing until age 30 at which point a lump sum distribution of \$54,581.68 shall be paid to Caleb M. Motley, resulting in a net benefit of \$89,581.68.

6. Gerald Motley and Mirriam Motley, as parents of Caleb Motley, shall pay any and all outstanding medical or hospital liens, any known and unknown subrogation interests out of the settlement proceeds, and shall indemnify and hold harmless the Defendant for payment thereof.

**FROM ALL OF WHICH THE COURT FINDS THAT THE PROPOSED SETTLEMENT IS FAIR, REASONABLE, AND IN THE BEST INTEREST OF CALEB M. MOTLEY AND IT SHOULD BE APPROVED.**

It is, therefore, ORDERED, ADJUDGED and DECREED that Gerald and Mirriam Motley on behalf of their minor son, Caleb Motley, have and recover the total sum of TWO HUNDRED FIFTEEN THOUSAND DOLLARS AND 00/100 (\$215,000.00) to be paid by or on behalf of Defendant Winners Development, LLC as stated in paragraph 4, above, in full and final settlement of all claims which the

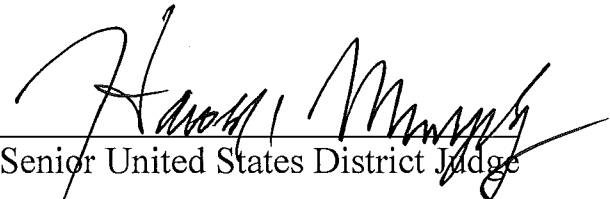
Plaintiffs now have, or may in the future have, against Winners Development, LLC arising out of or related to injuries sustained by Caleb Motley in the go-kart accident with at Winners Circle located at 59 Kellerhals Lane, Fort Oglethorpe, GA 30742, on or about May 16, 2014.

It is further ORDERED, ADJUDGED, and DECREED that upon payment of the settlement funds described in paragraph 4, above, Winners Development, LLC is discharged of all liability to plaintiffs.

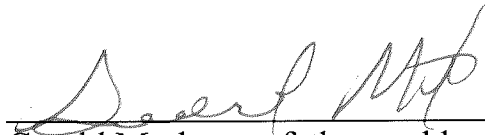
It is further ORDERED, ADJUDGED, and DECREED that the settlement proceeds shall be disbursed as set forth in paragraph 5, above.

It is further ORDERED, ADJUDGED, and DECREED that Gerald and Mirriam Motley, as parents of Caleb Motley, shall pay any and all outstanding medical or hospital liens, any known and unknown subrogation interests, and shall indemnify and hold harmless the defendant for payment thereof.

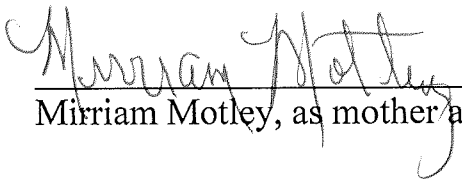
SO ORDERED this 9<sup>th</sup> day of August, 2017.

  
Senior United States District Judge

APPROVED FOR ENTRY:

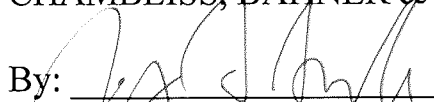


Gerald Motley, as father and legal guardian of minor Caleb M. Motley



Mirriam Motley, as mother and legal guardian of Caleb M. Motley

CHAMBLISS, BAHNER & STOPHEL, PC



By: Jeffrey G. Granillo – GA Bar No. 139440

*Attorney for Plaintiffs*

605 Chestnut Street, Suite 1700

Chattanooga, TN 37450

Telephone: 423-756-3000

Facsimile: 423-265-9574

LUTHER ANDERSON



By: Alaric A. Henry – GA Bar No. 347510  
Elizabeth Roderick-Admitted *Pro Hac Vice*

*Attorney for Winners Development, LLC*

100 W M L King Blvd #700

Chattanooga, TN 37402

Telephone: 423-756-5034

Facsimile: 423-265-9903